Burion King.

It cannot have escaped attention that, while most of the eminent statesmen of the half century succeeding the concession of American independence have been the subject of elaborate biographies, or, at least of brief summaries in the "American Statesmen" series, one of the most distinguished has remained unchronicled, at least upon a scale commensurate with his merita. It is a noteworthy fact that three of the men who played conspicuous parts in the State of New York during the earlier years of our national existence were emigrants, Alexander Hamilton coming from the West India Islands, and Aaron Burr and Rufus King from New England, We need not say that the last named has left a very different imprint upon the history of his country than that which was made by the third Vice-President. Yet, thus far, his abilities and services have failed to receive from the biographer, if not from the historian, the recognition which they deserve. The omission is now to be made good by a work of which the first volume is published by the Putnams, The Life and Correspondence of Rufus King, edited by his grandson, CHARLES R. KING, M. D. We learn from the preface that nearly fifty years ago the duty of writing life and editing the correspondence Rufus King was assumed by hi Charles King, then President of Columbia College, but nothing was accomplished beyond the collection of material, the exposition of a plan, and the composition of some valuable but scanty sketches of certain periods of the subject's life. It was not we are told, until many years after the death of Charles King in 1868 that the papers came into the possession of the present editor, who now gives them to the public. The latter's purpose is, in the main, to reproduce verbatim the letters and many summary statements by Rufus King explanatory of public events, throwing light upon persons and the times. A continuous narrative is not at-tempted, but the gaps are filled up by correspondence, illuminated by explanatory re-marks and notes. In the appendix to this volume are set forth some of the writings of Mr. King during the earlier part of his public career, and one of these claims particular atten tion. It appears that Mr. King took notes of the proceedings in the Constitutional Convention which met in Philadelphia in 1787, and of which he was a member. These are now pub lished for the first time, and it is these upon which we shall principally dwell after outlining the preceding incidents of the author's life

Rufus King was born on March 24, 1785, in Scarborough, Me., which then, and up to 1820, formed a part of the province, afterward State, of Massachusetts. His father, Richard, was the son of John King, who came to America from Kent, England, soon after the year 1700, and settled in Boston, where, for his second wife, he married Mary Stowell, daughter of Benjamin Stowell of Newton-Mass., by whom he had several children, of whom Richard, the eldest, was born in Boston in 1718. There is evidence that Richard received a liberal education, which prepared him for an active life in later years. We find im in 1740 in Watertown, Mass., engaged in business as a trader and factor for Ebenezer Thornton, one of the principal merchants in loston, for whom he purchased and prepared large quantities of timber. In 1745 he was apinted by Gov. Shirley a commissary of sub stance, with the rank of captain, in the wellknown expedition despatched against Cape Breton, and was present at the capture of that fortress. On his return he sold his property in Watertown and removed to Scarborough, where remained till his death, in 1775. He was both a farmer and a merchant, and in the dual capacity was so successful as to become the owner of 3,000 acres of land and to be the largest exporter of lumber from the district of Maine. He was twice married, the eldest child by the first wife being Rufus King, who, after receiving such elementary education as the town and times aforded, was sent, at the age of 12, to Byfield academy in Newburyport, of which Samuel Moody, a teacher then in high repute, was In August, 1773, he was admitted to Harvard, being then in the eighteenth year of his age, and, although, in 1775, his father died, leaving a good estate, but little money, he was enabled through the liberality of his brother-inlaw, Dr. Southgate, to finish his collegiate course. After graduating in 1777 with some distinction for his classical and literary attain. ments and for oratorical powers, he entered upon the study of the law in Newburyport, under cophilus Parsons, afterward Chief Justice of Massachusetts. While he was pursuing his law accepted the position of Aide-de-Camp under Gen. Glover, who conducted a detachment of soldiers from Newburyport to assist Gen. Sullivan in the Rhode Island campaign of 1778. The campaign failed, as it is well known, owing to the failurs of the French fleet under Rufus King returned to his professional studies at Newburyport, where he was admitted to the bar in 1780. He seems to have promptly gained employment and reputation, both as an advocate and as a learned and painstaking attorney. for three years later, we find him chosen by the town in which he practised to be one of her representatives in the General Court. Young as he was he was but 28 he made such a favorable on on his colleagues that, in 1784, he was selected by the Legislature as one of the delegates of the State to the Continental Congreas, then sitting at Trenton. It is certain that the value of the services rendered by Rufus King in the Congress of the Confederation during th next three years has not hitherto been adequately appreciated. It is demonstrated by the preser grapher that to Rufus King belongs the first practical suggestion for the immediate and absolute exclusion of slavery from the Northwest territory, and that to him, acting in concurrence othy Pickering, belongs a great share of the merit for the admirable plan on which that great territory was surveyed, and for the far-seeing reservations for education and the common welfare stipulated therein. It is true that the immortal work of the Congress of the Confederation, the passage of the ordinance prohibiting slavery in the Northwest, was emplished on July 13, 1787, and that, at that time, Mr. Dane was the only rep-resentative from Massachusetts in attendance, Rufus King having left his place in Congress on 11th of May to proceed to Philadelphia, there to take the seat to which he had been elected by Massachusetts in the Convention which was to frame the Federal Constitution. But that Mr. King was in close and constant cooperation with his colleague, Mr. Dane, who drew and reported the famous ordinance and at a favorable moment moved the anti-slavery clause, is clear from the facts set forth in this volume concerning Mr. King's interest in the subject of the public lands, his introduction in March, 1785, of the anti-slavery clause, which, word for word, except the addition of the fugitive slave provision, is embodied in the great ordinance, and concerning also his insertion in it of the provision for the perpetual freedom of the navigable waters and carrying places between tham, of the reservations for education, and of

s. ... which has had a decisive influence on the fate of the American commonwealth.

the sait springs. His name, therefore, as well

as Dane's deserves to be linked forever with the

Rufus King, as has been stated, was appointed by the Legislature of Massachusetts one of the eputies to the Convention to assemble on May 14, 1787, at Philadelphia, under a resolution of Congress, to revise the Articles of Confederation. Leaving his seat in the Congress of the Confederation for the time being, he repaired to that city where, however, the Convention was not organized until the 23th, when a quorum of seven States being present, George Washington hosen presiding officer. Mr. Bancroft has said that Rufus King was the most eloquent grator in the Constitutional Convention, not always successful in carryhis point, any more than was Mr. other hand, would have nothing to loss by such | uals of the States confederated; and the at- pro-

the most careful statesman." Fully end the part which King took in the debates at Philadelphia, we must have recourse to the Madison and Yates papers, for, in the notes taken by King himself, and now for the first time published, he does not reproduce his own remarks, except the speeches on the powers of the Convention. As these notes, however, constitute newly discovered evidence of capital' importance, we limit ourselves mainly to a re-production of their purport, not so much bethat previously supplied by Madison and Yates, King's diary of the proceedings of the Consti-

tutional Convention begins on Thursday, May , when the question under debate was whether the House of Representatives should be elected by the people. Curiously enough, Elbridge Gerry, who was afterward to oppose the Constiution, on the ground that it was not sufficiently democratic, advocated the appointment of the Representatives by the State Legislature, because, as he said, the people lack information. George Mason of Virginia was in favor of popular choice for the reason that this branch of the Federal Legislature was to represent the people. Wilson of Pennsylvania agreed with him. "We ought." he said, "to adopt measures to secure the popular confidence, and to avert rivalry between the general and State governments, and in this way both will proceed immediately from the people." Madison concurred. The plan of popular choice, he thought, would cause the people to regard the general Government with the affection which one feels for his own offspring. A legislative government would remove the govern ment too far from the people. Madison pointed out that in Maryland, for Instance, the Senate was two removes from the people, and therefore a Representative appointed by them would b three removes, and if the Legislature of the United States should appoint the President or Executive, the latter would be four removes from the people. Madison opined that there would be no danger of demagogues if the choice of representatives was made by the people in large districts. The proposal was carried, Massachusetts, New York, Pennsylvania, Virginia, North Carolina, and Georgia voting aye, New Jersey and South Carolina no, and Connecticut and Delaware being divided. On Friday, June 1, the question under discussion was whether the executive power should be lodged in a single person. Wilson, Charles Pinckney, and Rutledge spoke in the affirmative, but Roger Sherman preferred leaving the number to the Legislature. Wilson thought that a single executive would be responsible. whereas a numerous one would not; besides, the former would possess the power of secrecy, vigor, and despatch. Madisor suggested that the best plan would be a single executive of long duration, with a council of ministers, but with liberty to dissent from their decision on his personal responsibility. Elbridge Gerry also advocated the parliamentary instead

of the presidential type of government. "I am in favor," he said, "of a council to advise the executive. Their opinions may be recorded, so as to render them liable to be called to account and impeached; in this way their responsibility would be certain, and for misconduct their punishment sure." Dickinson, on the other hand, protested that a limited yet vigorous executive was not republican, but peculiar to monarchy. He dreaded the consolidation of the States and would hope rather for a good national Government from the then existing division of the States, with a feeble executive. In no event would he give the executive a complete veto power, and he desired it to be removable by the nation's Legislature on the petition of seven States. Randolph of Virginia took the view which was afterward to be embodied in the Executive Council of Switzerland. He insisted that in a single executive would lie the danger of nonarchy or tyranny. Rufus King, on the contrary, maintained that a single executive was not so likely to introduce monarchy or despotism as a complex one. He recalled the fact that the people of America had not opposed the King, but the Parliament. On the next day, June 4, the Convention voted in favor of a single executive, only New Jersey, Delaware, and Maryland being recorded in the negative. As regards the duration of the executive power, on of Pennsylvania proposed three years without rotation or exclusion; Madison advocated either tenure during good behavior, or seven years, with exclusion afterward. George Mason was also in favor of seven years, with subsequent ineligibility. As we know, the term ultimately adopted was four years, with eligibility to reclection. Wilson and Hamilton desired give the Executive a complete negative on the acts of the Federal Legislature. The suggestion was opposed by Madison, Mason, and Benjamin Franklin, and they carried with them the whole Convention, except Wilson, Hamilton and Rufus King. George Mason predicted that, with a complete veto power, coupled with a power of appointment to office, the Executive would soon corrupt the Legislature and become a monarchy. Franklin pointed out that a former Governor in Pennsylvania had "abused the garded the method of electing the Chief power of a full negative and extorted money Legislature before he would sign its acts." He declared that the negative of the English Crown had not been exercised since the revolution of 1688. In this statement Franklin was wrong, but was true enough that the veto power had

enforcement of the laws was simply a minis-

not been exercised since the reign of Anne.

As we know, it was a qualified veto power

that was eventually vested in the President of

the United States. It is an interesting fact that

both Madison and Wilson made the blunder of

suggesting that not only should the Executive

be made a party to legislation through a quali-

fied veto power, but that the judiciary should

have the right of revising the laws. This

motion was withdrawn, thanks to Dickin-

son, who reminded his colleagues that the

fore, should have no share in making them.

The same objection, he said, did not lie to the

qualified veto power of the Executive,

terial office.

to interpret the laws, and, there-

HII. Especially interesting is Rufus King's corroborative report as to the discussion touching the composition of the Federal Senate. The proposition that the Senate should be chosen by House of Representatives out of persons nominated by the State Legislatures being negatived, Dickinson moved that the Senators be appointed by the State Legislatures for the reason that the mind as well as the body of the several States ought to be represented in Federal legislature. The State Legislatures, he said, would choose men of distinguished talents as Senators. It was true that such men would have a chance to be chosen by the people members of the House of Representatives, but, failing to be tirus selected, talents, wealth, or family might recommend them to the State Legislatures for appointment as United States Senators. George Mason concurred with Dickinson, and contended that the old confederacies were ruined by the overgrown power and ambition of some of their members. have agreed," he said, " that the national Government shall have a negative on certain acts of State Legislatures (so far as these acts should be adjudged unconstitutional); the danger now is that the national legislature will awailow up the Legislatures of the States. The protection from this occurrence will be the securing to the State Legislatures the choice of the Senators of the United States." The result was that Dickinson's motion was unanimously adopted.

It will be remembered that the Congress of

the Confederation was a unicameral assembly, in which there was an equality of representation as regarded the several States, each of them having but one vote. Many members of the Philadelphia Convention were in favor of maintaining the same principle of equality as regarded even the House of Representatives, and, when the present method of apportionment for that body was adopted, the advocates of equal State rights made a firm and successful stand with reference to the Senate. Elisworth contended that, unless the Convention accepted the principle of equal representation for the Senate, none of the Eastern but as the present biographer concedes. States except Massachusetts would adopt the proposed Constitution. The large States, on the

a plan. He mustaff out upon the State of But-land had but one vete in the States General of the Netherlands, yet her influence was, in face, greater than that of any two of the other States. Madison, on the other hand, believed that, if the States had equal votes in the Senate, the country would be in the utilized danger; the mi northy of the people would govern the major-dir. Wilson of Penmylvania and Gouver-neur Morris, of New York; argued on the same side, bpt Patterson of New Jersey triumphed by declaring that without the con-cession of equal votes to the States in the Senate the small States would never accept the sugation. The principle, however, of equality was embodied in the Constitution by the narrow majority of two votes, Massachusetts support-ing equality against the wishes of Rufus King, who endorses his record of the proceedings " in equality lost by vote of Mass."

It appears that several days were spent in dis-Representatives. Gouverneur Morris proposed that freeholders only should be electors. Madi son agreed with him, and so did Dickin-son, although the latter was a man of pronounced democratic views. "We are all safe," he said, "by trusting the owners of the soil; and it will not be unpopular to do so, for the freeholders are the more numerous class. Not from freeholders, but from those who are not freeholders, free government has been endangered." On the same side, Morris argued: There cannot be an aristocracy of freeholders if they all are electors. But when a great and rich man can bring his poor endents to vote in our elections, then, unless you establish a property qualification, we shall have an aristocracy. Limit the right of suffrage to freeholders, and it will not be unpopular, because nine-tenths of the inhabitants are freeholders." On the other hand, George Mason of Virginia contended that "every one who is of full age and can give evidence of his common interest in the opmmunity should be an elector. It is not freeholders alone, he added, who feel this mmon interest. The father of a family, although he has no freehold, has this interest." Berijamin Franklin also was of the opinion that "by depositing the right of suffrage in the freeholders exclusively, we shall injure the lower class of freemen. This class ssed hardy virtues and great integrity. The Revolutionary war is a glorious testimony favor of plebeian virtue; our military and naval men are sensible of this truth." It is well known that the conclusion finally reached by the Convention was that electors for the House of Representatives, in any given State, should be the same as those of the most numerous branch of the State Legislature.

So much for some of the subjects on which light is thrown by Mr. King's notes of the secret. debates in the Constitutional Convention. To the part which he himself took in the discussions he makes scarcely any reference; for that we must go to the memoranda made by Madipreliminary adjustment of rules for the governnent of the Convention, Mr. King objected to one of them authorizing any member to call for the yeas and have and have them entered on the minutes. He urged that, as the acts of the Convention were not to bind the constituents, it was unnecessary to exhibit such evidence of a memattitude; and even improper, inasmuch as changes of opinion would be fre-quent in the course of the business and would fill the minutes with contradictions. George Mason, seconding the objection, it was stricken out nem con. The wis-dom of the decision was manifested throughout the proceedings. It caused secrecy to be scrupulously observed by all the members, and prevented interference on the part of those outside of the Convention. We have seen that in the Congress of the Confederation Mr. King persistently endeavored to secure the exclusion of slavery from the northwest territory. We are not surprised, therefore, to find him oppos ing in the Philadelphia Convention the motion

that States should have representatives in pro-portion to the whole number of their white and other free inhabitants, and also to three-fifths of all other persons, except Indians, not paying taxes. He thought that, to allow the blacks to count at all in the distribution of the suffrage would excite great discontent among the States having no slaves, He had newer declared, he said, as to any proposed feature of the new Constitution that he would in no event acquiesce in it and support it, but he would say that if any featurescould provoke such a declaration it would be this. In a discussion of the question whether a President should be eligible to a second term, Mri King maintained the affirmative. He thought "there was great force in the remark of Mr. Sherman that he who had proved himself most fit for an office ought not to be excluded by the Constitution from holding it. He would, therefore, prefer any other reasonable plan that could be substituted." As re-Magistrate, he was disposed to think that, in such cases, the people at large would choose wisely. On the whole, however, he accepted the suggestion that the President should be appointed by Presidential electors chosen by the people. The length of the President's term, Mr. King thought, should be twenty years, which, he said, was "the medium life of princes." He considered that the power to impeach the President vested in the House of Representatives really made his tenure of office conditional upon the good pleasure of the Fedcral Legislature. To the proposal that the Congress should meet every year he was opposed. He did not think there would

be any necessity for such frequent meetings. He insisted that "a great vice in our system was that of legislating too much. The most numerous objects of legislation would be-long to the States. Those of the national legislature would be but few. The chief of them were commerce and revenue. When these should be once settled, alterations would be rarely necessary and easily made." A motion to consider the expediency of the United States as suming all the State debts was seconded by Mr. King. He said that, "besides the considerations of justice and policy which have been mentioned, it might be remarked that the State creditors, an active and formidable party, would otherwise be opposed to a plan which transferred to the Union the best resources of the States, without transferring the State debt at the same time." The proposal to make the mem-bers of both Houses of Congress jueligible to any civil office under the authority the United States was resisted by 3 States was resisted by Mr. King, and finally changed to the existing form by inserting after "office" words "which shall have been created, or the emoluments whereof shall have been increased during the term of their office as members." It is well known that Messrs, Randolph and Mason of Virginia and Elbridge Gerry of Massachu-setts refused to sign the Constitution and gave their reason for not appending their signatures. We observe that, before proceeding to sign, "Mr. King adgrested that the journals of the Convention allouid be either destroyed or depos-

ited in the custody of the President." He thought

if they were suffered to be made public a bad

use would be made of them by those who would

wish to prevent the adoption of the Constitution

The services of Rufus King in connection with the Federal Constitution did not end with the completion of that instrument. He was one of its most wigorous advocates in private correspondence and public discussion, and had as much as any man to do with its acceptance by the State of Massachusetts. He was elected a member of the Massachusetta Convention by the people of Newburyport, who naturally thought that one of fix framers would be best able to interpret the new polity. The fundamental question of the powers given to Congress coming under discussion, Mr. King laid stress upon the fact that "the introduction of the Constitution is in these words: 'We, the people,' &c. The language of the articles of Confederation is, 'We, the States,' &c. The latter is a mere Federal Government of States. Those, therefore, that assemble under it have no power to make laws to apply to the individ-.

smilly leaves a discretion to comply with them or not." After pointing out that this defect had been conspicuous in the listory of the United Provinces of the Netherlands, he reminded the Convention that the recent history of their own country had furnished corroborative proof of the impossibility of coercing States in the matter of taxation. Massachusetta, he reminded them, had honored the requsitions of the Congress, but many States had been delinquent, and two States had not paid a farthing from the moment they signed the Articles of Confederation. "What method, then," he saked, "can be devised to compel delinquent States to pay their quotas? Sir, I know of none. Laws to be effective nust not be made binding on States, but on individuals. It is an objection in some men's minds that Congress should possess the power at once of the purse and of the sword. But, sir, I would ask whether any government can exist or give security to the people which is not possess this dual power." Mr. Elbridge Gerry, who, although not

member of the Massachusetts Convention, had been invited to address it, objected particularly to the clause of the Constitution which gave Congress power to regulate the time, place, an manner of electing Representatives. With such a provision on the statute books, the people, Mr. Gerry said, would have no security for the right of election. Mr. King's defence of the clause was based almost exclusively on the plea that, without it, some of the States might refuse to send representatives to the Federal Congress, as they had done in the case of the Congress established by the Articles of Confederation. "We agree," said Mr. King, "and have always contended that the ple ought always to enjoy the exclusive right of appointing their representatives but we also hold it an important principle that, as it is of consequence to the freedom of the people that they should possess the right of election, so it is essential to the preservation and existence of the Government that the people should be bound to exercise that right. For this reason, in the Constitution of Massachusetta, not only are the persons who may vote for representatives in the General Court clearly designated and their qualifications ascer-tained, but the General Court has a right to compel the electors to exercise their right of election, and thereby to serve the Government from dissolution. It evidently did not occur to Rufus King that the Congress would ever exercise its right of regulating the election of Representatives for any other purpose than to prevent States from avoiding representation in the Federal Legislature. We make one other excerpt from his remarks upon this point: "It may be said that the State Legislatures are more capable of regulating this subject than the Congress; that Congress may fix improper places, inconvenient times, and a manner of electing contrary to the usual practice of the several States. It is not a very probable supposition that a law of this nature should b enacted by Congress, but, let the supposition be ever so probable as applied to Congress, it is thirteen times more probable that some one of the States may make inconvenient regulations. Congress will be interested to preserve the United States entire, and to prevent a dismemberment. The individual States, on the other hand, may some of them grow rich and powerful, and, as the greater members of the ancient confederacies have heretofore done, they may become desirous of becoming may either omit to form any regulations or laws rning the time, place, or manner of electing Federal representatives, or they may fix on im proper places, inconvenient times, and a manner

chusetts Convention that Rhode Island had been called upon by the Congress of the Confederation to send delegates, but had refused to do so. VI. We have seen that from the latter part of 1784 Rufus King had been a delegate to the Congress of the Confederation from Massachusetts, and in the performance of his duties had passed the greatest part of his time in New York, where the Congress, acting both as an executive and legislative body. remained in nearly permanent session until it was superseded by the new Government, after the adoption of the Constitution. Occasional visits to Boston were made to communicate directly with the General Court on the questions under consideration in the Congress, and his services were looked upon as so faithful and efficient that he was continuously re elected, and, when deputies were chosen to the Philadelphia Convention, he was made one of them. We have seen, also, that he played a conspicuous and useful part in that assembly. and that he was deputed by his old friends of Newburyport to the State Convention which was to decide whether Massachusetts should accept the new Constitution. It cannot be disputed that his arguments in its support were among those which were most influential in securing the adoption of the instrument,

of electing wholly disagreeable to the people."

It was well known to members of the Massa-

In view of the work done by him during the previous five years, he might naturally expect that, in the distribution of offices under the new Government, he would not be overlooked. It was true that some two years previously he has married the daughter of Mr. John Alsop, a New York merchant far advanced in years and de pendent upon his daughter's care, and that it had been suggested that King should make New York his home. It was also true that he had no actual residence in Massachusetts, and, therefore, when his former friends, especially in Newburyport, proclaimed him an alien to the State, and, in consequence, an unfit representative of it, there was some ground for efforts made to prevent him from receiving appointments which others craved. A letter from a Massachusetts friend alludes to a visit from Mr. King in October or November, 1788, in which he must have learned of the opposition made to him by former friends; it is certain that he returned to New York without having bought a house or established a residence. It was not long before he was informed that all the Federal offices in Massachusetts were filled, and that he was left out. On the other hand, his New York friends were earnest in their endeavors to retain him among them, holding out to him offers of promotion which had been withheld in his native State. The first distinct intimation in his correspondence of a determination to change his residence occurs in a letter to his brother in-law. Dr. Southgate, under date of June 7, 1789. "Contrary to my former intentions. I have become an inhabitant of this State [New York), and have no expectation of sgain return ing to inhabit Massachusetts. Although the motives of this determination are important and weighty, as they respect my interests and that of my little family, I, however, sincerely regret that I am to be so far separated from my relations and friends, whose real prosperity happiness must be forever dear to me. My eldest son, whom we call John Alsop [afterward Governor of New York], is more than seventeen months old, and begins by his little prattle to very amusing. Our youngest [the future President of Columbia College) we intend to name Charles; he is three months old, and has, at this time, the small-pox. They are both healthy, and, if we do not judge too partially,

they are promising boys." New York, the adopted State of Rufus King. was to prove a kinder mother than his native Commonwealth. Scarcely had he acquired a residence on Manhattan Island than he was chosen by the Federalists a member of Assembly, and before he had time to serve on any com mittee in that body, he was elected a United States Senator. He drew the lot which places him in the six years' class, and his colleague Philip Schuyler, that which carried the two years' term. There is no way of ascertaining the extent and character of the work done by Rufus King as a United States Senator in the First Congress, except by his recorded votes. Unlike the House of Representatives, whose proceedings were conducted with open doors, and whose detaites from the outset were recorded in full, the Scuate at first sat with closed doors, and no reports of what took place within are to be found, except in th journal. The author of this biography reminds us that efforts were made at an early date to change this regulation. Year after year, the

position was voted down-Mr. King always

the year 1704, when the question of Mr. Galla-tin's right to a seat in the Senate arcse, a motion was made and was ultimately carried by a vote of 10 to 8 (Mr. King in the affirmative), after the present session of Congress, and so soon as galleries shall be provided, the said galleries shall be open every morning so long as the Senate is engaged in their legislative capacity, unless they judge secrecy required," a rule which still prevails. It is, of course, understood that, from the time of his entering the Senate, Mr. King was a consistent and earnest Federalist, cooperating with Robert Morris in the effort to secure the assumption of the State debts by the Federal Government, and with Alexander Hamilton to bring about the catablishment of a national bank. On the retire ment of Mr. Jefferson from Washington's Cabinet, the name of Rufus King was conspicuous smong those suggested by the Federalists for the office of Secretary of State, but, as it is well known, Randolph, who had previously been Attorney-General, was selected. We have only to add that the volume before us carries us no further than the year 1794. We must wait for the next installment of this biography to follow Rufus King through the longest and busiest part of his public career.

Hofman's Sphere of the State

The Western college professors who have been threatened with discipline for socialistic pro-clivities will derive no comfort from the exhibition of sound premises and cogent reasoning in the book entitled The Sphere of the State, by FRANK SARGENT HOFFMAN, Professor of Phi osophy at Union College (Putnams). The author of this work is no optimist; he does not believe that the millennium has been reached; that the existing state of things represents the best of all cossible worlds; far from being a rigorous adherent of the school of laters faire economists, he is quite ready to admit that the interposition of the State may be extended hereafter in new directions as new conditions of society arise. But he holds that such extensions of State in terference must be made with caution, and must never overlook the fact, which he deems incontrovertible, that the principle of individual ownership must always lie in the future, as it has always lain in the past, at the root of civilization. Both aspects of his position may be brought out by noting first what he maintains to be the true conception of the State, and then, by marking what he considers the right relaons of the State, thus defined, to the ownership and control of property, to corporations, to transportation, and to taxation.

does not deny that rivers favor intercourse, and that mountains interrupt it. But why he asks should the Rhine separate States, and not the Elbe and the Seine? Nothing but the course of history has decided that the Mississippi and the Ohio shall not divide nations, while the St. Croix and the Rie Grande shall do so. To accept the doctrine that the territory of States shall always be regulated by natural boundaries would occasion endless strife. A true State annot be laid out on the map once for all in this arbitrary manner. Equally erroneous, in the author's opinion, would it be to hold that a division into States may be adjusted solely with reference to race. No doubt, in ancient times, the race idea played an important part in State formation. At Sparta and Athens all the citizens were essentially of the same blood, but since the advent of Christianity the case has been strikingly different. An Englishman of to-day is not a Briton, an Anglo-Saxon, a Dane, or a Norman. A Frenchman is neither a Gaul, a Frank, nor a Burgundian. No one can accurately distinguish how many races have intermingled to form an American. To find a pure blooded race we could not go even to China or Japan, and should have to seek it, if anywhere, amid the jungles of Africa. No less untenable is the assumption that language is the proper basis upon which to differentiate States. As Renan has expressed it, "Language invites to union; it does not compel it." No country, perhaps, is more truly a State than Switzerland, although three or four languages are spoken by its people. On the other hand, England and the United States, although essentially of the same tongue, are clearly not adapted to form a single nation. While two people may have the same thoughts, affections, and aspirations, and still have no common speech, they may, on the other hand, have far differen isages, feelings, and ambitions, and still speak the same language. Neither, finally, does re-ligion furnish a standard of State division. That it is a more potent factor in human history than locality or race or language is not denied. Yet it is not powerful enough to bind people together into States. In order to see the absurdity of making religion the basis of State formation, we need only to think of the confusion and loss that would result from dividing up the earth into as many States as there are religious sects, own separate territory and government. In our time we see it continually demonstrated that a Catholic may be a good Englishman, a Protestant a good Frenchman, and an Israelite a good American.

What, then, is Mr. Hoffman's conclusion? It

is this, that the true conception of the State is

that of a brotherhood, and that the ultimate

ground for the formation of States is the needs of this brotherhood. There should be as many particular brotherhoods in the world as the good of the universal brotherhood requires. ever it is clear that the good of mankind will best be furthered by the breaking up of old States and the formation of new ones, neither the Rhine nor the Alps nor Gibraltar nor the Great Wall nor the coffin of Mohammed nor the chair of St. Peter should be allowed to prevent it. We are warned, nevertheless, against the error of assuming that this doctrine implies that any people have a right to form a State when ever they please, or to attach themselves to a State already in existence as they please. The right of any particular community must always be limited by the right of manking. The right to form a new State or to extend the boundaries of an old one is perfectly justifiable, provided the reign of law and order over the carth will be hastened by so doing; provided, that is to say, that the civilization of mankind will be most effectually advanced thereby. This conception of a State as an organic brotherhood makes clear and vivid the true ends of the State. The chief and ultimate end to which all other objects must be subordinated is the perfection of the brotherhood, or, in other words, the bringing of man here upon the earth to the highest degree of civilization of which he is capable. The other ends of the State may properly be regarded as the means for the attainment of this ultimate end. Now the double aspect of Mr. Hoffman's position comes clearly into view. The perfection of the brotherhood, he argues, can only be established by bringing about the perfect union of the supremacy of the brother-hood on the one hand and the liberty of all its individual members on the other. No State, holds, can reach perfection, except as it realizes perfect sovereignty, and perfect liberty, and in this order. Any attempt, such as the An archists contemplate, to reverse this order must meet with signal defeat. The first thing, then, for the State to do is to establish its sovereignty. Before this is accomplished there can be progress made toward the civilization of its subjects. A reverence for law and a disposition to obey it are the first requisites of progress, and a State first issues out of barbarism when the people begin to recognize this fact. The second thing for the State to do is to make clear and definite the sphere of liberty, and to see to it that each of its subjects has the fullest opportunity for the development and use of all his powers.

As a matter of fact, there never has been and there never can be any true liberty among human beings that does not come through the State. Barbaric freedom always results in discord and slavery and stagnation. But the freedom that is the creation of the State gives peace and liberty and progress.

11.

The more thoroughly one ponders this fundamental conception of a State the more clearly he will recognize that the views set furth in this

strictly legical deductions from it. Let we glance, for instance, at the chapter on the ownership and control of property. Mr. Hoffman submits that the chief cause of the current unrest and dissatisfaction is the prevailing belief that our present laws concerning the ownership and use of property are based on force and not on justice. He can see no way, with political power so generally distributed among the people as it is to-day, of lessening this discontent except by showing that the belief is ill-founded, or by so altering the laws as to take away its ground and validity. For his own part, the author holds that the right to property is one of the most sacred rights of man. He cannot imagine a people so degraded as to be entirely devoid of the idea of property, and he asserts with confidence that no community has ever enjoyed prosperity or attained a high degree of culture where the idea was held in slight esteem. He would measure, indeed, the progress of a nation in civilization and true worth by the clearness with which it apprehends this idea and the completeness with which it applies it to the ownership and use of every commodity that ministers to human need. But what is the primary ground of the right to property? Not first possession; no man gains a Just title to a thing simply because he came upon It before some one else. Of course, occupation is one of the signs of ownership, but it does not constitute its primary ground. The New World was not the property of Columbus because he discovered it, nor did it belong exclusively the scattered bands of savages that occasionally roamed over its surface. Possession and use of a thing can never be the fundamental ground of ownership; something else must come n to determine whether or not that possession be just. Neither is the right to property founded on a decree of the Government. founded, it is obvious that what the statute could make it could unmake. All would be settled by an arbitrary flat. The hard-earned savings of a lifetime might be legislated away in a single moment. The most industrious would have no more of a claim upon property as a reward for their industry than the most indulent. The governors, in short, might at any time decree that all property should belong to themselves alone. Nor, lastly, is the real ground of the right of property its utility. True, no community has ever been able to thrive without individual property. But that only shows the result of property, not its ground. All that can be claimed from the viewpoint of utility is that the excellent effects of property corroborate the rightfulness of the principle of individual ownership. Mr. Hoffman concludes that the true and distinctive ground of property is labor. Property, in fact, may be defined as the fruit of human labor. It is by his labor that man imparts an interchangeable value to things, and it is the beginning of his progress. Man is capable of civilization because he can produce wealth. Other animals are better equipped in some respects for the struggle of existence, but they cannot produce property, and, therefore, cannot advance beyond a certain fixed limit. By his labor man subdues nature and appropriates her for his own use. She thus rightly becomes his property. On this point the author quotes with approval a proposition laid down by Thiers:

"Man has a first property in his person and in his faculties; he has a second less intimately connected with his being, but not less sacred, in the products of his faculties, which include all that are called worldly possessions, and which society is in the highest degree interested in guaranteeing to him; for, without this guarantee, there would be no labor; without this guarantee, there would be no labor; without his guarantee, there would be no labor; but on the sacred in the products of his faculties, which include all that are called worldly possession founded, it is obvious that what the statute could make it could unmake. All would be set-In defining the conception of a State, Mr. Hoffman begins by maintaining that neither reography, ethnology, language, nor religion will suffice to determine its boundaries. He

more than it can ignore any other natural right It must not be supposed, however, that, be cause the author of this book thus firmly upholds the right of individual ownership with re-

gard to all property self-acquired and nonestly acquired, that he ignores the supreme authority of the State, considered as an organic brother hood. The natural right to property, like the natural right to life, liberty, and the pursuit of happiness, may justly be sacrificed in case the needs of the State require it. If a man's life and liberty are at the disposal of the State, how much more is his property? At the same time Mr. Hoffman is convinced that the good of the brotherhood as a whole is rarely, if ever, in collision with the best interests of its individual members. The laws of property that the State enacts will seldom need to set aside the natural right to property, but will almost always confirm and strengthen that right. He points out, however, that, while there is a natural right to property that comes from labor, implying a right to the free exchange or donation of its products, there is no such undisputed right to control its descent after the producer's death. To what extent a dead hand should be allowed to hold property, or a dead brain to control it, is a serious question. It is clear that no bequests of property should stand if they plainly interfere with the progress of mankind. Even if the State sees fit to grant the privilege, on the ground that labor will be most effectually stimulated thereby, it should be anoit is, a strictly limited privilege. No man can possibly foresee what will be the need of all coming generations, and thus he cannot, in any sense, possess a right to say what disposition shall be made of what was once his property, to supply that need. Mr. Hoffman is, himself, disposit on shall be made of what was once his property, to supply that need. Mr. Hoffman is, himself, disposit on the viewpoint of the community. He can see nothing in this position anatogonistic to the views expressed by Charles Comte in combating the opinion that no inheritances, but he is far from wishing to abolish the principle of inheritance altogether. He would only aim to discriminate between those inheritances which are just and those which seem unjust, from the viewpoint of the community. He can see nothing in this position anatogonistic to the views expressed by Charles Comte in co natural right to life, liberty, and the pursuit of happiness, may justly be sacrificed in case the needs of the State require it. If a man's life

IV. In the chapter on taxation, we observe that the author repudiates the single tax theory, and that he also pronounces it "evidently unwise to urge the immediate adoption " of an income tar in this country. He points out that, in any event, a revenue derived from property should be taxed at a higher rate than the revenue derived from personal effort; for the obvious reason that a funded income is far more certain than a personal income, and not so easily awapt out that no such distinction is made in the income tax recently leviced by our Federal Government. As regards the suggested purchase of American railways by the State, Mr. Hoffman is convinced that our political machinery falls far short of being equal to the responsibilities that would result: "Men of far higher ability and character must be intrusted with the affairs of State before it will be wise to increase very much the sphere of government." In the chapter on corporations, we find some sensible remarks regarding trusts. It is pointed out that the growth and development of the modern trusts is an natural an evolution in business as was that of corporations. The arguments how used against their formation are precisely those employed fifty years ago against the formation of corporations. The author maintains 1' it, properly managed, they are litted to do for the greater business enterprises of the world what railroad consolidation is doing for transportation, and what the postal union is doing for the State should desirely trusts because, by suppressing competition, they tend to confer upon their managers monopoly powers. But, queries Mr. Hoffmann, is the suppression of competition necessarily an evil? He is inclined to agree with those observers who affirm that campellition, as now conducted, costs the public a million of dollars where monopoly, such as is possible under modern conditions, can extort a penny, hesides, with regard to competition, it is manifest that, if the profits of a trust become excessive outside capital will come in, and the trust will define moderate that has the competition which now is, but must forestall that which may be it must also have regard to other products than the one it is formed to control. If a wheat trust, for example, makes the price of wheat trust, for example, makes the consensus of enlightened moral sentiment is disposed to giv rived from personal effort; for the obvious reason that a funded income is far more certain

the survey parties that have been trained in line between Alaska and British Columbia has reated much interest. It does not wholly settle the vexed question with which the work is cerned, for that can be accomplished only by negotiations with Great Britain; but it fus lahes, on our part, the data for such negotis. tions, and it also gives a basis for jurisdiction antil that final determination of the dispute.

The treaty of 1825 between Russia and Great Britain gives the authority for the fixing of the frontier line, since the territorial rights we less frontier line, since the territoria right a load mess to-day are those which we derived by purchase in 1867 from the former power. This treaty declares that the line of demarkation beginning at the southernmost point of Prince of Wales Island, in 64" 40' north latitude, and between the 131st and 133d degrees of west longitude, thence goes north along Portland Chan-nel as far as the point of the continent where h strikes the 56th degree of north latitude, Thence it follows "the summit of the mountains situated parallel to the coast" as far as the point of intersection of the 141st degree of west loggitude, and thence along that 141st meridian to the Frozen Ocean. Article IV. of that treats gives Prince of Wales Island to stussia and hence that island has come to us; but the article continues with this peculiar provision Whenever the summit of the mountains that an tend in a direct parallel to the coast from the Son tend in a direct parallel to the coast from the Son that of north intrinde to the point of interaction of the 141st degree of west longitude shall prove the at the distance of more than ten marine leagues from the ocean, the limit between the British procession and the line of coast which is to belong to Hussin, which is to belong to Hussin, which winding of the coast, which shall heave exceed in distance of ten marine leagues therefrom. This vague description has been the source of much perplexity, and has rendered necessary the survey now completed on the part of an country. Even the very beginning of the treaty line which is to pass "along the channel called Portland Channel" has been the subject of dis pute, some Dominion authorities holding th the passage spoken of by the treaty is not the one called Portland Channel to-day In certain British maps the line bends to the northward from Dixon Entrance and passes through a nar row and torthous channel lying northwest a Portland Inlet, thus conveying several islands to the Dominion which really belong to m

ME HOUSDARY LINE OF ALASEA

The Completten of Our Coast and Groten

WASHINGTON, Sept. S .- The telegraphic as,

concement of the return to Port Townsend

Assuming that this difficulty could be easily disposed of, the running of the interior lim along the summit of the mountains parallel to the coast is obviously a provision prolific in troubles. The whole agreement is based upon the supposed existence of a continuous chain of mountains parallel to and near the coast. Such an unbroken chain does not exist. There is no lack of mountains, but they run most irregulines of peaks, thus rendering the phrase "the summit of the mountains situated parallel to the coast " one of great uncertainty. As if this were not obscurity enough, the British have questioned the definition of the term

However, on most charts, and notably on that

of the Geological Survey of Canada, the bons

dary passes, as it should, through the centre of

the main channel known as Portland Inlet.

"coast" in the treaty. It will be observed that where the mountain summits exceed a distance of ten marine leagues from the ocean this latter distance is to be substituted as the limit of the boundary. Some of our neighbors would like to have the ocean or coast line reckoned from the outer shores of islands separated by narrow channels only from the mainland, on the ground that this practically marks the ocean coast, But that is a point which can hardly be maintained. It would reduce our narrow strip between the ocean and British Columbia still further, and leave us in many places a very small foothold on the continent. Still it is fortunate that the treaty of 1825 made its provision in regard to the ten marine leagues, since that has given a good basis for a survey which should in clude a sufficient number of points situated at that distance from the winding shore. The suggestions of the necessity of an accurate

marking of the boundary go back almost to the treaty of 1867. Canada had manifested little anxiety on the subject while Russia held that territory, but our neighbors at the north seemed instinctively to recognize when Uncle Sam' sway began that the future of that region would be changed. The desire of the Dominion for th setting up of definite marks on the treaty line was increased by the discovery of gold along or near the 141st meridian. In 1871 the Treaty of Washington had conceded to Canada the right of free pavigation throughout the Yukon Porcu-Canada initiated a move for a joint commission to determine the boundary. In Congress this desire was met by the introduction of a bill ap propriating \$115,300 for a year's surveying expenses. Our engineers at that time estimated the entire cost of the survey at \$3,000,000 and the time at ten years. However, they pointed out that the cost might be reduced to \$1,000,000 and the time to four years by limiting the fixing of the boundary to points where the line cros important rivers and mountains the expense to be equally divided between the two countries, or \$500,000 each, the bill just spoken of was liberal enough as an installment; but though it met the approval of the House the Senate did not concur. In 1875 Gen. Cameron estimated the cost of the survey from the southernmost point throughout the coast strip to Mount St. Elias as \$1,063,297 and the time as three years.

Meanwhile the urgency for the survey became greater from the occurrence of disputes. In 1870 the Hudson Bay Company was ordered away from its trading station at Fort Yukon on the ground that this post was within our domain, while a reported conflict between our Fort Randall authorities and some Dominion miners had brought up the subject in the British Columbia Legislature in 1874. When, in later times the Yukon gold fields assumed increased importance, the necessity of ascertaining exactly where the jurisdiction of the respective countries began and ended was very clear. It was not only necessary for the preservation of peace and order, but for the determination of the licenses charged to miners. Mr. William Ogilvic, for the Dominion, made a valuable exploration several years ago, and its results assigned to Canada an important region in the gold-bearing country which had hither to been claimed by us. At last our Government was stirred up to make provision for a prolonged examination of the line under the charge of the Coast and Geodetic dall authorities and some Dominion miners had provision for a prolonged examination of the line under the charge of the Coast and Geodetic Survey.

Such are some of the preliminaries that led up to the work now completed. After its results have been made known negotiations based them will be in order.

NEARLY A MILE IN DEPTH. The Deepest Mining Shaft in the World to

Said to Be in Michigan. Prom the Chicago Record.

Openciase, Mich., Aug. 31.—Less than a month also the deepest mining shaft in the world reached the copper lode in the Tamarack mine. Shaft No. 3, which is now a triffe over 4,200 feet, depth, was begin three years ago, and reached the vein on Aug. 4 at a depth of 4,185 feet.

A trip down three-quarters of a mile into the lowers of the earth is a decided novelty. Entreing the cage, which is an iron elevator, fitted with all momern safety appliances and hoisted or lowered by an inch and a bair wire rates passing over a great drum in the engine house mear the shaft, the signal is given to lower a separate cage is always used for carrying mile, and the rate of speed is less than where rows a moisted or timber lewered in the other comparaments. The trip requires five minutes, and, as the cage sinks at a rate of speed span to that of the swiftest elevator in a modern sky-scaper, the dark walls of rock, on which a faint light of the party, seem to be swiftly shoughting of the party, seem to be swiftly shoughting of the party, seem to be swiftly shoughts. From the Chicago Record. thrown by the camiles and oil-inness of party, seem to be swiftly shooting upward, a

party, seem to be swiftly shooting upward, who the cage is standing still.

At last the bottom is reached. A documiners, covered with grime and dust, are billed at work. Power drills, fed by compressed coming almost a mile through from pipes, a tapping the rock patulantly. Men are showning the rock blasted from the lode into the which are transled into the cages and holsted the surface. The candless throw weird showed the surface. The candless throw weird showed and as the reflection comes to the miled of murial from earth's surface that he is decided on under the earth's creat than man have penetrated before, the desire to ascend to five air and sunshine is and to come uppermost. A few minutes show all that is to be seried to a shaft has last reached the indee and existing in other shafts of the mine has but begun down here. The work is all plant for many years to come, and the force of the pressed air and the muscle of man will translate plans from the paper where they placed by the busy brain of the engineer openings in the living rack, inch by lich, with the came power of never-ceasing jets eace which causes the falling drop of water the course of long ages to wear away the stone